

U.S. DISTRICT COURT
NORTH DISTRICT OF TX
FILED

2021 FEB 26 PM 4: 34

DEPUTY CLERK CF

RESPA
(Real Estate Settlement Procedures)
Qualified Written Requests
By Shani Adia McCall
Instrument # (2017-3069684)

3 - 2 1 C V 0 4 2 9 - 8

- I (Shani Adia McCall) am of the age of maturity to make this affidavit and the testimonial facts herein
- I (Shani Adia McCall) am mentally competent to make this Official Affidavit of Testimonial Facts for the Court Record
- I (Shani Adia McCall) have personal knowledge of the facts in this testimony and affidavit
- This affidavit is made under penalties of perjury and must be responded to by either counter testimony or counter affidavit. The persons must make their official testimony under penalty of perjury. All parties must respond by testimony in court within the required time by statute or this testimony and affidavit of facts will stand as undisputed fact as a matter of law

"I (Shani Adia McCall) declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

[Made Pursuant to Title 28 USCA Section 1746]¹

Summary:

According to 12 USC 2605 e updated RESPA laws you have 5 days to verify reception of this QWR and 30 days to respond to this qualified written request and to provide the Information I request. During this period you cannot injure my credit rating with any Credit reporting agency. To do so would stand as unlawful according to section e (3) of USC 12 section 2605. I expect full notice to all credit agencies of the removal of such adverse reports as you have already done such and not answered my first and second RESPA requests.

Information requested:

- 1) List Of things requested according to Federal Rules RESPA and New amendments made under the Dodd-Frank Act of 2010 to RESPA
- Name of the Current Legitimate True Original Creditor, INVESTOR and Trustee of this Loan. I would like the Name of the Investor/Trustee (s) and all Names if these are separate and or multiple entities.
- I would like the address of these entities.
- I would like an individual contact to these entities.
- I would like a certified copy of the Service Agreement from the Investor/ Trustee (s) as well as the Pooling and servicing agreement if this is a separate instrument. I would like all account numbers associated with the Trust relationships you service for the Owners Investors and Originators of this alleged loan.

¹ Ferguson v. Commissioner of the Internal Revenue 921 F. 2d. 588 (5th Circuit 1991] 'Court abused its discretion in refusing testimony of witness who refused, on religious grounds, to swear or affirm, and who instead offered to testify accurately and completely and to be subject to penalties for perjury'.

- I would like to know why the account and loan number on billing statements is NOT the same as the Original Loan Number on the Promissory Note and I would like the names of all parties who are associated with the account number on the billing statements
 - I would like the documents for all wiring instructions for this account.
 - I would Like a Certified Copy of the Proof that this entity has recorded interest in Charlotte County in my property.
 - I would like a copy of these entitles' right to do business in the Virginia.
 - I would like the 1099-OID forms, which was filed with the Department of Treasury and Internal Revenue Service in respect to the Original Note and Mortgage and any of these forms filed by you as a servicer.
 - I would like any 1099-A Forms filed as well.
 - I would like any 1099-B forms filed in respect to the Original Note and Mortgage.
 - I would like any 1096 Forms filed as well.
 - I would like any 1099C forms filed. All of these forms are filed by the servicer and Originator and all affiliate parties with the Department of Treasury and Internal revenue Service and apart of tracking the parties that have interest in the alleged loan.
 - I am requesting All 1099-C's from any affiliated REMIC's (Real Estate Mortgage Investment Conduits) that you service in respect to this mortgage and your 1099C forms if you are a REMIC.
 - I would like the Name of the Originator of the Original Loan.
 - I would like the address and contact number for this entity.
 - Since I never received notice of a transfer as required under the RESPA Act. I would like all notices of transfer and assignments that allows for you to act as the current servicer. If you did send me assignments I would like the proof of service that you noticed me of those assignments.
 - I would like the Name of any and all parties claiming interest in my property that you represent as a servicer via any and all agreements and securitizations. I would like the account numbers of those instruments and all the Names and aliases of these entities who have alleged interest in my property who are represented by you as a servicer, along with the addresses and contact numbers.
- 2) I would like a certified copy of the Original Note, and to know who is the holder in due course of the Original Note that gave rise to the Mortgage. I would like that entities address and an individual contact to that entity.

This Affidavit is being forwarded to the Office of the Comptroller of Currency in order to provide an Official Notice that I have sent RESPA Requests to the entities mentioned herein (NEW AMERICAN FUNDING) before foreclosure action and I received no response. I am resending these qualified written requests pursuant to amendments to the RESPA Act 12 USC 2605 as amended by the Dodd-Frank Act of 2010 as passed by the US Congress (11th) and pursuant to the powers of the Bureau of Consumer Financial Protection and the OCC both of which have jurisdiction over the above banking entities.

These qualified written requests are also being forwarded to NEW AMERICAN FUNDING and its attorneys (Samuel L. White). I am demanding that NEW AMERICAN FUNDING and its attorneys abandon any foreclosure proceedings (if they exist) and withdraw any action of Sheriffs Sale (If it exists) or non-judicial sale (if it exists) until this qualified written response in answered. I will follow up with the appropriate legal action in the meanwhile to protect my property from any Sale.

The Purpose of these qualified written requests is to serve as an offer to cure any fraudulent and wrongful foreclosure action and constructive fraud in regards to a promissory note and mortgage security interest lien initiated between Shani Adia McCall and an unknown Creditor and Originator which is allegedly being serviced by NEW AMERICAN FUNDING et al.

NEW AMERICAN FUNDING have refused to tell me who the True and Original Creditor, Investor, Trustee, Owner, and or Originator of this loan is despite several requests via Qualified written responses. There is a federal penalty of 2000\$ per violation including those who unlawfully reported the loan as delinquent to credit reporting agencies even though they knew I had provided qualified written responses. I have the signed Certified return Receipts of those documents being sent and the Shani Adia McCall of the officers who signed and received the RESPA requests.

This RESPA request information is important because as alleged Servicer to that unnamed entity via an unidentified Service agreement, their right (NEW AMERICAN FUNDING et al) to foreclose is based on 2 conditions.

- 1) That there exists a lawful Service agreement and identifiable True Original Creditor, Investor, Trustee, Owner and originator of an Actual Loan and that NEW AMERICAN FUNDING is the lawfully Recorder Servicer via a service agreement of record.
- 2) That the entity (Alleged Investor Trustee Owners and Originators of the Loans) has a lawfully recorded interest in (Name of) County recorder of deeds in my property.
- 3) That any transfers and assignments are assignments of an Original Promissory Note and the Mortgage-Deed of Trust wholly and fully together, that the party is the Holder in Due Course pursuant to State law of those instruments, and has an assignment stating that fact, and instrument is of record. Without such any claims are void pursuant to Carpenter vs. Logan 83 U.S. 271.

If both of the above is not actual and in existence and provided via this RESPA request, then any foreclosure is unlawful, fraudulent, and moot. Thus I am requesting via the updated RESPA Laws the following information pursuant to 12 USC 2605 (e)

This request is made in accordance with the RESPA ACT as amended by the Dodd-Frank Act of 2010. You are to confirm receipt of this RESPA Qualified written request within 5 days in writing according to 12 USC 2605 (e) 1 (A) and provide all information within 30days according to 12 USC 2605 e (c) i.

I Shani Adia McCall declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

[Made pursuant to Title 28USCA Section 1746]

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State Republic _____

County/Borough/Parish _____

This document was acknowledged before me on _____ [Date] by
_____ [Name of Litigant].

(Signature of Officer)

Notary Public for the _____ a State Republic

My commission expires: _____

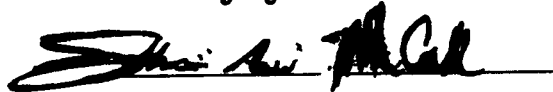
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- 1) That there exists a lawful Service agreement and identifiable True Original Creditor, Investor, Trustee, Owner and originator of an Actual Loan and that NEW AMERICAN FUNDING is the lawfully Recorder Servicer via a service agreement of record.
- 2) That the entity (Alleged Investor Trustee Owners and Originators of the Loans) has a lawfully recorded interest in (Name of) County recorder of deeds in my property.
- 3) That any transfers and assignments are assignments of an Original Promissory Note and the Mortgage-Deed of Trust wholly and fully together, that the party is the Holder in Due Course pursuant to State law of those instruments, and has an assignment stating that fact, and instrument is of record. Without such any claims are void pursuant to Carpenter vs. Logan 83 U.S. 271.

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I Shani Adia McCall declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.



[Made pursuant to Title 28USCA Section 1746]

CERTIFICATE OF ACKNOWLEDGMENT OF NOTARY PUBLIC

State Republic Virginia
County/Borough/Parish Prince Edward

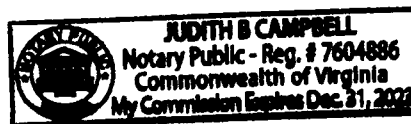
This document was acknowledged before me on 2/11/2021 [Date] by
Shani Adia McCall [Name of Litigant].



(Signature of Officer)

Notary Public for the Virginia a State Republic

My commission expires: 2/31/23



Shani Adia McCall
3232 Briery Rd.
Charlottesville VA 22940
Shani McCall
(434) 736 8390

JS 44 (Rev. 08/18)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Shoni Adia McCall

DEFENDANTS

New American Funding

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

Keyville

County of Residence of First Listed Defendant

Travis

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

(c) Attorneys (Firm Name, Address, and Telephone Number)

Attorneys (If Known)

FEB 26 2021

J

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (For Diversity Cases Only)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

- | | | | | | |
|---|--|--|--|--|---|
| <input type="checkbox"/> 110 Insurance
<input type="checkbox"/> 120 Marine
<input type="checkbox"/> 130 Miller Act
<input type="checkbox"/> 140 Negotiable Instrument
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment
<input type="checkbox"/> 151 Medicare Act
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans)
<input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits
<input type="checkbox"/> 160 Stockholders' Suits
<input type="checkbox"/> 190 Other Contract
<input type="checkbox"/> 195 Contract Product Liability
<input type="checkbox"/> 196 Franchise | PERSONAL INJURY
<input type="checkbox"/> 310 Airplane
<input type="checkbox"/> 315 Airplane Product Liability
<input type="checkbox"/> 320 Assault, Libel & Slander
<input type="checkbox"/> 330 Federal Employers' Liability
<input type="checkbox"/> 340 Marine
<input type="checkbox"/> 345 Marine Product Liability
<input type="checkbox"/> 350 Motor Vehicle
<input type="checkbox"/> 355 Motor Vehicle Product Liability
<input type="checkbox"/> 360 Other Personal Injury
<input type="checkbox"/> 362 Personal Injury - Medical Malpractice | PERSONAL INJURY
<input type="checkbox"/> 365 Personal Injury - Product Liability
<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability
<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability
PERSONAL PROPERTY
<input type="checkbox"/> 370 Other Fraud
<input type="checkbox"/> 371 Truth in Lending
<input type="checkbox"/> 380 Other Personal Property Damage
<input type="checkbox"/> 385 Property Damage Product Liability | <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881
<input type="checkbox"/> 690 Other | <input type="checkbox"/> 422 Appeal 28 USC 158
<input type="checkbox"/> 423 Withdrawal 28 USC 157
<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 835 Patent - Abbreviated New Drug Application
<input type="checkbox"/> 840 Trademark | <input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 480 Consumer Credit
<input type="checkbox"/> 485 Telephone Consumer Protection Act
<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 850 Securities/Commodities/Exchange
<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 950 Constitutionality of State Statutes |
| <input type="checkbox"/> 210 Land Condemnation
<input type="checkbox"/> 220 Foreclosure
<input type="checkbox"/> 230 Rent Lease & Ejectment
<input type="checkbox"/> 240 Torts to Land
<input type="checkbox"/> 245 Tort Product Liability
<input type="checkbox"/> 290 All Other Real Property | <input type="checkbox"/> 440 Other Civil Rights
<input type="checkbox"/> 441 Voting
<input type="checkbox"/> 442 Employment
<input type="checkbox"/> 443 Housing/Accommodations
<input type="checkbox"/> 445 Amer. w/Disabilities - Employment
<input type="checkbox"/> 446 Amer. w/Disabilities - Other
<input type="checkbox"/> 448 Education | Eligible Corporations:
<input type="checkbox"/> 463 Alien Detainee
<input type="checkbox"/> 510 Motions to Vacate Sentence
<input type="checkbox"/> 530 General
<input type="checkbox"/> 535 Death Penalty
Other:
<input type="checkbox"/> 540 Mandamus & Other
<input type="checkbox"/> 550 Civil Rights
<input type="checkbox"/> 555 Prison Condition
<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement | <input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 720 Labor/Management Relations
<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 751 Family and Medical Leave Act
<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 791 Employee Retirement Income Security Act | <input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 863 DIWC/DIWW (405(g))
<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 865 RSI (405(g)) | <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 |

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

RESPA ACT / Dodd Frank Act of 2010 / Title 28 USC Section 1605(e)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

Exhibit



December 17, 2020

Dear kin xi:

The following is in response to your request for proof of delivery on your item with the tracking number:
RE90 0001 941U S.

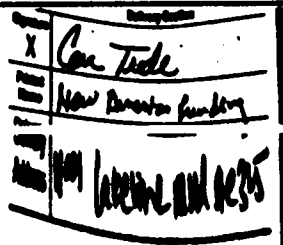
Status: Delivered, Left with Individual
Status Date / Time: October 27, 2020, 10:27 am
Location: AUSTIN, TX 78717
Postal Product: First-Class Mail®
Extra Services: Registered Mail™

Weight: 2.0oz

Street Address: PO BOX 170581
City, State ZIP Code: AUSTIN, TX 78717-0031

Signature of Recipient:

Address of Recipient:



Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Registered No.

RE900001941US

Date Stamp

Postage \$ 0.70

Extra Services & Fees
(continued)

0248

09

Extra Services & Fees

☐ Registered Mail \$13.20

☐ Signature Confirmation

☐ Return Receipt

(hardcopy) \$0.00

☒ Signature Confirmation

Restricted Delivery

☒ Return Receipt

\$0.00

☐ Signature Confirmation

Restricted Delivery

☐ Signature Confirmation

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